



22 January 2021

To

The Honourable Dr Steven Miles

Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning

Via email only deputy.premier@ministerial.qld.gov.au

Re Development Application for Material Change of Use for Air Services (Aviation Facility) on land described as Lot 3 on RP732964 located at 2224 Tully-Mission Beach Road, Mission Beach (DA Number: MCU20/0006)

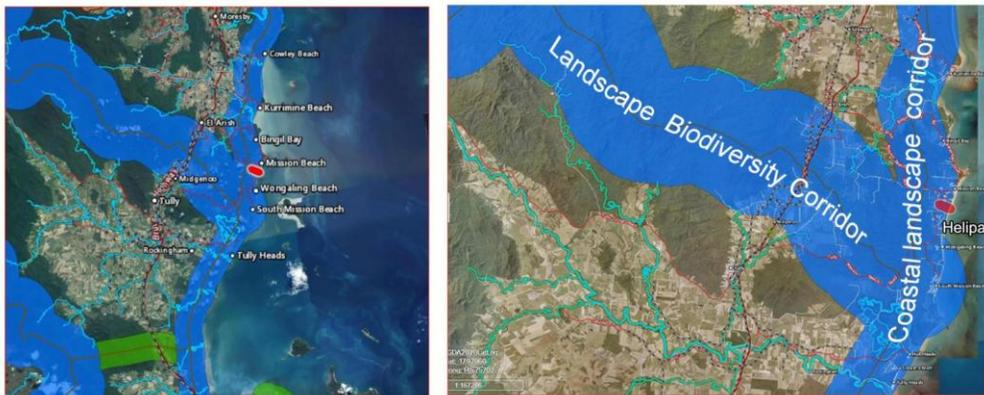
Dear Minister,

In light of State Interests outlined below, we write to request the Minister to use your power under the Qld Planning Act 2016, to call in the Development Application described above.

The Mission Beach community has been left shocked and bewildered at the reasoning behind the Cassowary Coast Regional Council Planners report and subsequent council approval of an industrial helicopter base allowing up to three medium lift (heavy) helicopters to operate for multiple purposes early morning to late afternoon, 7 days a week, in the wilderness heart of their tourist town known for its quiet, peaceful amenity and population of endangered cassowaries.

The development was approved despite being:

- adjacent to a primary cassowary corridor recommended for expansion (Biotropica Wongaling Creek Habitat Linkages report)
- adjacent to areas of High Environmental Significance (HES)
- surrounded by mapped cassowary corridors
- within two landscape biodiversity corridors
- within a corridor connecting the Wet Tropics World Heritage Area and the Great Barrier Reef World Heritage Area



Biodiversity corridors – Queensland Globe

Mission Beach is made up of four villages separated by farmland and rainforest, situated along a narrow strip between the Wet Tropics World Heritage Area and the Great Barrier Reef World Heritage Area.

The Mission Beach economy has been built on the reputation of being a low rise, low key, relaxed tourism destination.

The Cassowary is recognised as a matter of environmental significance in local, regional, State and Federal planning instruments and legislation. The Cassowary Coast Regional Council Planning Scheme refers to the preservation of cassowary habitat and habitat corridors because the “cassowary is recognised as an iconic symbol of the Region”.

The current Cassowary Coast Planning Scheme was required to reflect the intention of the FNQ 2031 Plan.

Mission Beach is located near Tully and consists of North Mission, Wongaling and South Mission Beaches. It occupies a narrow strip of land between the Wet Tropics and Great Barrier Reef World Heritage areas and contains significant areas of ecological significance including essential habitat of the endangered southern cassowary. The survival of this ecologically important species is critically threatened by continuing habitat loss and car strikes.

The urban footprint at Mission Beach will be constrained to minimise future impacts on ecological values, coastal hazard risks and loss of the village character. Densities are to be kept low and building heights

limited to avoid increasing traffic generation and urban impacts. Future development should occur around village nodes and avoid linear form, maintain and restore cassowary habitat, and ensure good corridor connectivity.

Much higher levels of self-containment will need to be achieved in Mission Beach to avoid travel to Tully and Innisfail. Additional local employment generators will need to be developed based on protection and enjoyment of the natural environment, and appropriate development of a district regional activity centre at Wongaling Beach. Car travel will need to be managed and traffic impacts on cassowaries mitigated.

Community identity

The Mission Beach tourism economy is reliant on its reputation as a place of exceptional beauty, its relaxed atmosphere, villages separated by farmland and rainforest and the best place to see a cassowary in the wild. The importance of the cassowary and the health of the economy, environment, and community is firmly intertwined. The number one question asked at the Mission Beach Business and Tourism visitor centre is “Where can I see a cassowary”?



Mission Beach celebrates the cassowary each year with a community festival.



Messages from the Threatened Species Commissioner and the Queensland Environment Minister acknowledging the importance of the cassowary to the Mission Beach community can be seen on the festival website on this link. <https://www.cassowaryfestival.com/>

The local school children composed, sang and recorded a song celebrating 'Mission Beach naturally a Magic Place'. The opening aerial shows the mouth of the Wongaling Creek which is directly beneath the council approved and conditioned helicopter flight path. Click on the link below the photo to see the video of the song which highlights the overarching natural amenity and community identity of Mission Beach.



<https://vimeo.com/361178024>

Rural Land / Scenic Amenity /cassowary

Rural/agricultural land provides important cassowary movement in the landscape. In many cases, narrow habitat linkages associated with waterways, provide the only corridors through cleared land connecting the now severely fragmented essential cassowary habitat at Mission Beach.

The development lot and the property opposite, separated by the busy Tully Mission Beach tourist access road are both zoned rural/agricultural. A primary cassowary corridor (Linkage no 5, See attached Nigel Tucker's report) transects both properties which includes endangered and critically endangered ecosystems providing an integral link between the Wet Tropics World Heritage Area and the Great Barrier Reef World Heritage Area.

The industrial nature of the development with a nine metre (equivalent to 3 stories) high hanger with the whole development footprint surrounded by security fencing is incongruous at this location.

The development will require the removal of vegetation;

- from the primary cassowary corridor;
- specifically established to provide shade and amenity to the bike/walking track
- detracting from the scenic amenity of the tourist scenic route into Mission Beach.



Industrial development on agricultural land including fencing, vehicle access and removal of vegetation (artist impression)

Consistent with the FNQ2031 Plan, the development lot currently creates a buffer to linear development, separating the villages of Mission Beach and Wongaling Beach. The rural amenity with a rainforest corridor creates a 'soft' scenic approach for visitors arriving into Mission Beach on the southern tourist route "Future

development should occur around village nodes and avoid linear form, maintain and restore cassowary habitat and ensure good corridor connectivity".(FNQ 2031 Plan).

Diversification/Incremental loss of rural/agricultural land

2224 Tully Mission Beach Road has an existing Raw Materials development at the northern most section of the lot. In 2008, the then council, refused an application to expand the business on the grounds it did not comply with the planning scheme. The Raw materials business was approved by a Queensland Government Administrator appointed when the Johnstone Shire Council was sacked for mismanagement. In the 12 months of Administrator management, every DA applied for, was approved, regardless of inconsistencies with the local or state planning. The approval of the raw materials depot set a precedent of industrial development on 2224 Tully Mission Beach Road *which has now been used to support* the application to change the use of another portion of the land zoned GQAL.

The DA Plan shows the rest of 2224 Tully Mission Beach Road designated for future development despite claiming the Helicopter base would not impede the remainder of the lot being used for agricultural purposes.

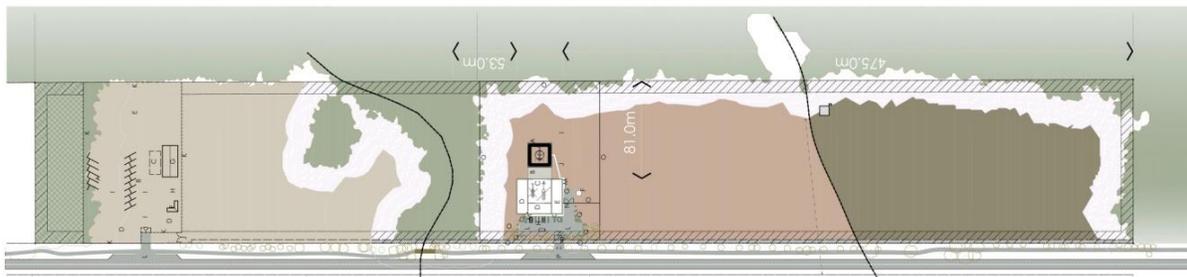
<p>project:</p> <p>boat storage washdown facility & air services</p>	<p>for: Kestrel Aviation P/L</p> <p>at: Lot 3 on RP732964 2224 Tully-Mission Beach Road, Mission Beach FNQ Cassowary Coast Regional Council</p>	<p>Ateek Planning & Design</p> <p>Paul Marsh building design/principal architect 46074 7 Sadler Street South Mission Beach for north Queensland 4852 0749686508 p.m@ateekplanning.com.au</p>	<p>gillvear planning CONSULTANTS</p> <p>PO Box 229 4641 PH 0448 879 991 info@gillvearplanning.com.au</p>	<p>Drawing No. : 1192725 Sheet No. : 001 revision/date Amendments : 08-09-19 X : 13-11-2020 Y : Date : July 19 Scale : Viewpoint/Scale PH Drawn : Checked : Issue : A1 print Preliminary Copyright : Ateek Building Design ©</p>
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key - existing development (currently raw materials supply business):

- A single raw material bays
- B double raw material bays
- C under cover shade areas
- D horticultural area
- E open area secured area
- F site office including + toilet facilities - 8x4m
- G steel framed shed
- H carparking
- I internal driveway - compacted rock
- J lockable security gates
- K security fence
- L site access - existing sealed main road widening & turn in to MRD standards

key - air services:

- green space (existing) 5 370 m²
- development space - northern portion (existing raw material & future development) 59 270 m²
- development space - air services 72 900m²
- development space - southern portion (future) 59 260 m²
- easement - existing sewer
- vegetation extremity - existing remnant
- water course - existing seasonal creek/drain
- building setback zone - 20m buffer from existing vegetation
- buffer - 10m allowable clearing of existing regulatory vegetation in from boundary
- buildings existing
- power - existing overhead low voltage
- bike/walking path existing (off site)
- main road - Tully/Mission Beach existing
- A his - helipad grassed
- B pad - concrete
- C hangar - 20x20m shed
- D store room - 20x9m shed wing
- E reception office space 29x9m wing
- F fuel storage tank
- G loading area
- H carparking - sealed
- I clear open secured space
- J his access track - sealed
- K entry - undercover
- L internal driveway - sealed
- M undercover walkway
- N lockable security gates
- o security fence
- P access - main road widening & turn in to MRD standards
- Q landscaping



plan - site development

There have been no reports produced to show there is either a need for an industrial scale helicopter base or that it will provide any benefits for the Mission Beach community or economy. The development cannot be considered an appropriate 'diversification' for agricultural land nor a compatible use to maximise future economic potential on the lot (such as for high value niche crops with opportunities for farm tourism). Charlie's Chocolate and Fruit Forest Farm are both excellent examples in the Mission Beach area of value adding successful tourism ventures to food production. Both are recognised nationally with awards for their products and progressive farm practices.

In addition to providing employment for locals, appropriate diversification of GQAL is consistent with the strategic intent of both local and state planning, providing many benefits for the community including;

- local employment,
- valuable local food production,
- additional tourism attractions,
- avoiding linear development,

- maintaining the relaxed village amenity and scenic approach to Mission Beach.

Cassowary

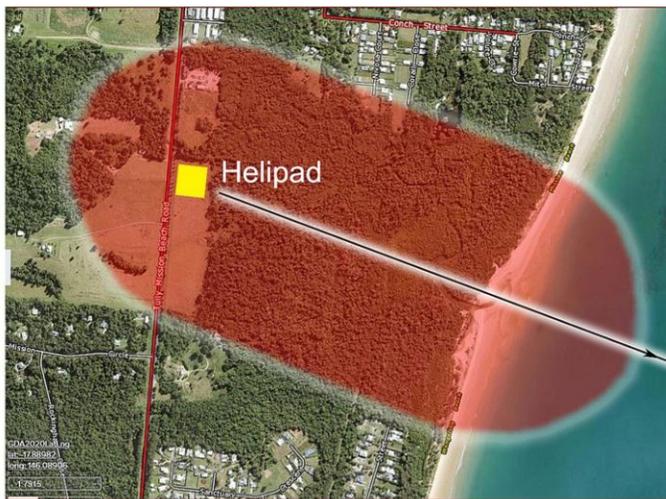
The approved development locates helicopter operations just 20 metres from a Primary Cassowary Corridor; the operation to be security fenced; and an access road established to accommodate heavy vehicle use and increased two-way traffic.

Fencing is contrary to the purpose of cassowary corridors, which are not intended to confine cassowaries, but to provide safe passage across cleared habitat. The approved security fencing will prevent cassowaries from accessing the agricultural land that is the site of the helicopter business.

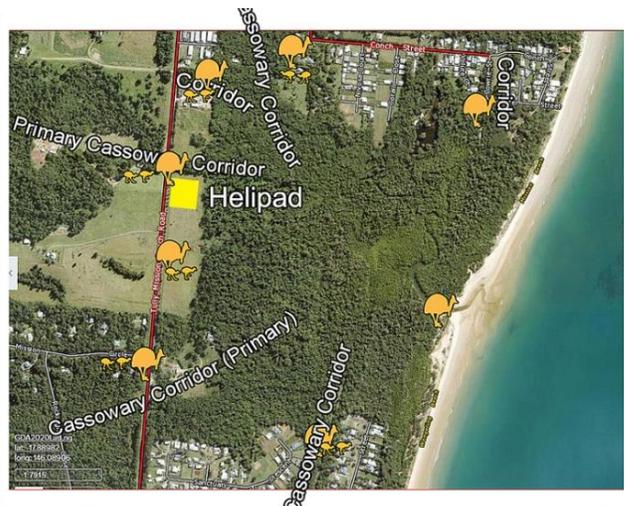
Land adjacent to cassowary corridors, though cleared, is still useful cassowary habitat and a source of food. Cassowaries are omnivorous. They eat and scavenge small animals and insects anywhere they can access, including the beach and farmland such as the site of this development.

Land such as the site of the helicopter base must be protected from activities that would damage and frighten cassowaries.

Cassowaries have been observed frequently on this farmland block; and also regularly crossing the road to and from 2224 Tully Mission Beach Rd within the primary Cassowary Corridor adjacent to the Helicopter Base site.



Helicopter impact zone



Cassowary corridors

For 11 years Mission Beach Cassowaries Inc (MBC) has been managing a facebook page dedicated to sharing sightings and information about cassowaries at Mission Beach.

The following photos and map show the movement of a family of cassowaries utilising the cleared area of the development site while moving between two mapped corridors described and identified in Biotropica’s Wongaling Creek Habitat Linkages report as primary linkage numbers 5 and 6. It is also important to understand that ALL this landscape is historically cassowary habitat.



Photo 1) Primary linkage 6 June 8 2020



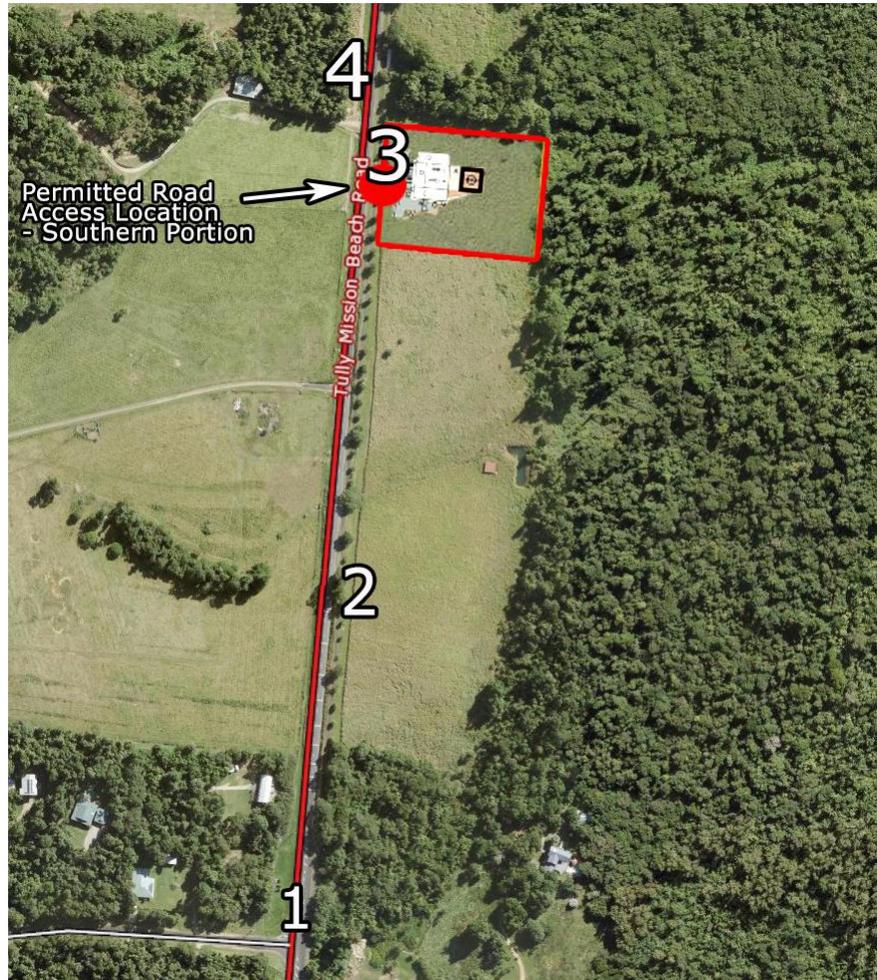
Photo 2) 2224 Tully Mission Beach Road May 25 2020



Photo 3) Development permitted road access site 3 May 21 2020



Photo 4) Primary Linkage 5 Cassowary Corridor May 21 2020



Cassowary family sightings utilizing the development site to access habitat linkages 5 and 6 and full extent of development footprint including road access and fencing

A bridge over the waterway at the linkage no 5 provides continuity for the bikeway/walking path. The vegetation of the corridor grows closer to the road at this point where there are regular sightings of cassowaries crossing. As part of the development, vegetation will be removed from the corridor to improve line of sight for northern approach vehicles.

Similarly, vegetation will be removed for both the planned access road and to provide line of sight from the south.

The graphics contained in the DA to describe the access road and footprint of the development are not to scale and/or play down the size and true impact of the development in relation to the corridor.

Table 3 – Sight Distance From access location



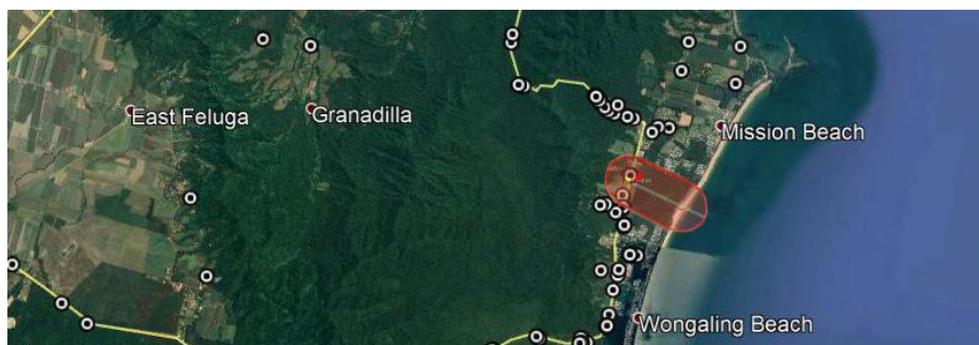
Table 3 DA



Road crossing at Habitat linkage 5 - Cassowary male+3 chicks May 21 2020

Any removal of vegetation will directly impact the corridor and widen the road at the very point cassowaries cross. Once they cross they must negotiate a cattle fence on the western side of the road. They do this by ducking under a gap at the bottom of the fence close to the waterway. This is an example of where cassowaries have been forced into utilizing cleared land and narrow corridors that include crossing roads and negotiating obstacles to access their fragmented essential habitat. It must be remembered this is considered to **be a 'primary cassowary corridor'**.

The corridor is clearly shown on the Significant Cassowary Incidents Mapping (SCIM) below, developed through the Cassowary Recovery Team using the official Queensland Government Cassowary incidents data.



Significant Cassowaries Incidents Mapping (SCIM)

It is important to note, the dots on the map above only show records of injured or deceased cassowaries, the majority of which are roadkill. A sightings map would show a much higher concentration of dots.

Noise and related impacts

The Applicant, the Council and the Council's Planner's Report completely failed to consider noise and related impacts on cassowaries, and provided no report or quantified estimate of actual noise levels on human residents within the soundscape or under the flight path.

Further, the Application graphic of a single flight path is not only contrary to a CASA requirements for multiple flight paths, its orientation was misrepresented in the Application documents by about 40*. The Developer's Application graphic indicates a relatively short overland route, oriented horizontally on the page. When overlaid with a standard geographical map, this supposedly Easterly flight path (as conditioned in the Application and misrepresented in the graphic) is revealed as being South Easterly. If the requirement is to have alternative flight routes it will need to pass over many more houses and further high conservation areas.

There is no doubt that residents within 1 – 2 kilometres will be subjected to an unprecedented level of unavoidable, intrusive and unpredictable noise that will be completely at odds with the lifestyle for which they have chosen to live in this locality. To ensure their chosen lifestyle these residents have contributed to regional and local planning schemes over many years.

The absence of this required research does not relieve the Applicant or the Council from considering the impact on cassowaries immediately adjacent to a crucial Cassowary Corridor (or any other wildlife resident or utilizing the high biodiversity area mapped as high Environmental Significance). It is very well known anecdotally that loud noise frightens cassowaries. Yet this crucial matter was not considered by the Applicant; further, its absence from the Development Application was not considered in the Council's Planner's Report.

These impacts include:

- Unprecedented high levels of noise, pressure waves, vibration, and associated downdraft of every helicopter operation on this site, which will inevitably cause cassowaries to abandon the important adjacent corridor;
- Increased risk of Cassowary road deaths, associated with
 - (1) the introduction of road access (part of the Mission Helicopters proposal) at a known cassowary road crossing on an already busy access road; and
 - (2) an increase in vehicular traffic (associated with the proposed helicopter business) so close to the adjacent cassowary movement corridor.
- Injury and death of cassowaries due to entrapment within the fenced area.
- Injury and death of cassowaries taking fright caused by any of the above circumstances
- Intrusive noise on cassowaries or any other wildlife resident or utilizing the high biodiversity area mapped as high Environmental Significance

It would be difficult to imagine a development having a higher impact on Cassowaries at this location.

See attached *Anthropogenic Noise and Birds by Dr Helen K Larson* for the impact of loud and sudden noise on cassowaries. A photo in the paper indicates the extreme impact on a cassowary of noise generated by one low flying helicopter.

See box below for relevant quotes from Goosem, M., Moore, L. A., Byrnes, P. and Gibson, M. (2011) *Mission Beach Road Research: Impacts on Cassowaries and other Fauna and Strategies for Mitigation*. School of Earth and Environmental Science, James Cook University, Cairns. (298 pp.)

- **Disturbance** – traffic using roads emit pollutants, noise and light which penetrate the forest and/or are washed into streams: Pollutants from road runoff can be detected at river estuaries. Noise and headlights penetrate into the forest more than 200 m and at least 50 m respectively ... Cassowaries communicate at the very low frequencies that could be masked by traffic noise because traffic noise includes a very high level of low frequency noise. This would be particularly severe at the edge of roads, and could affect parents communicating with chicks. Because low frequency noise penetrates much greater distances than higher frequencies, traffic noise could affect communications between widely-spaced cassowaries deep inside the forest.
- **Sudden noise.** Constant vehicle noise did not appear to upset crossing cassowaries. However sudden noises such as bangs from trucks or trailers frightened birds. Their reactions were unpredictable varying from running across the road in front of the vehicle or retreating into the forest...
- **Cassowaries communicate at the very low frequencies** that could be masked by traffic noise because traffic noise includes a very high level of low frequency noise. This would be particularly severe at the edge of roads, and could affect parents communicating with chicks. Because low frequency noise penetrates much greater distances than higher frequencies, traffic noise could affect communications between widely-spaced cassowaries deep inside the forest...

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In any case, the State government and local Council must apply the Precautionary Principle and abstain from taking action that would be potentially highly damaging to this cassowary population, particularly given the behavioural indications already observed locally.

Inconsistencies in DA and Planners Report

The many inconsistencies and contradictions in both the DA and Planners report made it unclear what the full use of the helicopter base will be. While the original DA was for heavy lift helicopters claiming the facility was low impact because the specialised nature of the aircraft would mean less number of movements than if used for tourism purposes, it goes on to say the development would benefit tourism at Mission Beach without providing any expert report to show those benefits.

The approval conditions will allow at least three large double rotor helicopters to operate from the base at any one time from early morning to late afternoon seven days a week.



BELL 212



L 206



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Photos from Kestrel Aviation's fleet

Uses include pilot training, refueling, passenger transfers and maintenance. Emergency services (a specialty of the developer and exempt from all conditions) will also be allowed despite the Cassowary Coast being well represented with existing emergency services within a 5 minute travelling time.

8. Helicopter Operations – Exclusivity	
Condition	Timing
The applicant/owner must ensure that all helicopters taking off and landing at the site are operated exclusively by Mission Beach Helicopters Pty Ltd or another related entity operated by the Directors / Shareholders of the applicant / owner (with the exception of emergency situations). Third party commercial operators may only be permitted to use the facility by approval in writing by the Manager Planning Services.	At all times

Given the developer's, (Mission Helicopters, a subsidiary of Kestrel Aviation) high profile, partnerships, connections and associations within the aviation industry, condition no 8 cannot be considered a restriction of activities. On the contrary, activities would potentially be unlimited.

Contamination risk

The development proposal allows for storage of fuel which will vent raw fuel fumes into the atmosphere and risk leakage contamination (and explosion) at this vulnerable location.

There are no reports to demonstrate how the planned containment/bunding of the fuel storage areas can ensure there will be no contamination on the site either from incremental spillage or from being located adjacent to a High Environmentally Significant (HES) wetland catchment area in close proximity to a cyclone exposed coast. The 1918 cyclone tidal surge reached the base of the Walter Hill Range to the west of the development site. Further, the risk of contamination is not addressed in the DA in regard to impacts on future agricultural use.

We bring to your attention Attachment A. Points contained in a Power Point Presentation delivered by Vanessa Maruna of Holding Redlich on behalf of MBC at a deputation to the Cassowary Coast Regional Council (CCRC) on 12 January 2021. The CEO, all councillors and planning staff were present. the full power Point and other documents requested by the council following the deputation, are listed at the end of this letter and attached.

Considering the compelling reasons above, MBC cannot understand why the Queensland Environment department was not involved in the assessment process. Even with the limited scientific evidence available along with local knowledge and understanding of cassowary ecology, the only conclusion that could be drawn is an industrial helicopter base at this location will have a significant, serious and irreversible impact on the cassowaries utilizing the development impact zone.

MBC is asking the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning the Hon Stephen Miles to 'call in' this grossly inappropriate development that, in the absence of any expert reports, we understand will have the maximum impact possible on the endangered cassowary population at Mission Beach.

Yours faithfully



Liz Gallie
 President
 Mission Beach Cassowaries Inc
 0414 402 315

Attached supporting documents;

DA, Planners Report and Approval can be found [here](#)

Holding Redlich request for Call In on behalf of Mission Beach Cassowaries

Holding Redlich Planning Scheme Assessment Table

Nigel Tucker Technical report

Anthropogenic Noise and Birds-Helen K Larson

Attachment A- Holding Redlich Powerpoint Presentation to CCRC

The Development Application is not accompanied by technical reports on:

- The impact of noise and dust on the surrounding area
- The impact of noise on cassowaries
- the impacts of noise and dust and the development generally on the endangered southern cassowary
- the impact of take-off and landing procedures on the surrounding habitat
- Good Quality Agricultural land
- Need for the development

The Development Application was not accompanied by any assessment of the environmental impacts including the impacts of the proposed development on the Southern Cassowary by an appropriately qualified person.

Mission Beach Cassowaries Inc and Community for Coastal and Cassowary Conservation Inc have obtained advice from Nigel Tucker, Senior Environmental Scientist at Biotropica Australia who has confirmed that:

- Noise pollution from the proposed flight path will affect areas of optimum cassowary habitat
- The development application does not include enough information to adequately assess the type of noise and vibration from helicopters as a result of the proposed development
- Helicopters from the proposed facility will overfly an area of habitat likely to support around five cassowaries on a permanent basis
- Helicopters emit relatively loud noises at high and low frequency and cassowaries may be especially sensitive to low frequency noise and vibration but also to the louder noise typically associated with such machines
- Road noise is not analogous to that generated by rotary wing aircraft
- The effect of the proposed development on local cassowary movement has not been adequately considered in the material provided by the applicant to date
- No self-assessment under the EPBC Act has been completed

Good Quality Agricultural Land

- The FNQRP states that good quality agricultural land should be identified and protected for on-going and future agricultural production
- The proposed development is located on Class A and Class B agricultural land
- Purpose of the Rural Zone Code is to ensure the viability of Class A and B agricultural land
- There has been no assessment of whether the land can be used for small scale agriculture
- The development application does not include any expert advice on the impact of the development on good quality agricultural land
- The DA shows intention to use the whole of the block for future development

No evidence has been provided of economic, planning or community need for the proposed development

The Development Application:

- Does not explain what alternative routes can be taken for helicopter flights in the event that the proposed flight path is not viable due to weather or other factors
- Contains inconsistent and contradictory statements with respect to the proposed use of the Aviation Facility

Other relevant matters that apply to the land

- Public interest, including approving development based on perceived economic benefits at the expense of other values
 - The Planning Scheme in force when the Development Application was properly made has not changed
 - The proposed development is inconsistent with reasonable community expectations as expressed in the Planning Scheme and the FNQRP
 - The non-compliances with the Planning Scheme and other assessment benchmarks are not capable of being addressed or mitigated by conditions of approval
-